

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Department of Health  
Office of Adjudication and Hearings  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

VERONICA PRAY  
Respondent

Case No.: I-00-40034

**DECISION AND FINAL ORDER**

**I. Introduction**

A Notice of Infraction served February 23, 2000 charged Respondent with operating a child development facility without a license in violation of 29 DCMR 301.1. The Notice of Infraction sought a fine of \$500.00. Respondent filed an answer by a timely plea of Admit with Explanation pursuant to D.C. Code § 6-2712(a)(2). The Office of Adjudication and Hearings received Respondent's plea on March 16, 2000. By this plea, Respondent admitted liability but sought a suspension or reduction of the applicable fine. The Respondent failed, however, to provide any written explanation to support the request. The requirement of supporting evidence is clearly explained on side two of the Notice of Infraction which states in part that "[f]ailure to submit sufficient relevant evidence of mitigating circumstances may result in a failure to obtain any reduction or suspension of the fine." Respondent supplemented her response with a written explanation and various letters of support received on March 24, 2000 and March 28, 2000. The

administrative court will treat the subsequent submissions as timely in light of its receipt of the Respondent's plea in a timely manner.

## **II. Findings of Fact and Discussion**

The documents submitted by the Respondent and on her behalf speak to her ability to care for children and her efforts to obtain a child care license from the District of Columbia Government. The findings are as follows:

1. Respondent does not currently possess a license to operate a child development facility;
2. Respondent attempted to secure a license but was unable to procure her landlord's approval for use of her home as a licensed facility; and
3. Testimonials submitted on behalf of the Respondent document the Respondent's ability to provide for the safety and welfare of the children in her care.

None of the above findings of fact justifies the failure to obtain a license. Furthermore, there is no record of compliance nor is there an acceptance of responsibility. The Respondent has also failed to indicate what steps, if any, she is taking to remedy the non-compliance.

## **III. Conclusions of Law**

Based on the evidence submitted by the Respondent, there is no justification for a reduction or suspension of the fine. As such, there will be no downward adjustment of the fine of \$500.00.

Therefore, upon consideration of Respondent's plea of Admit with Explanation and request for reduction or suspension of the fine, and upon the entire record in this case, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2000, hereby:

**ORDERED**, that Respondent is liable for violating 29 DCMR 301.1 and there shall be no adjustment or suspension of the fine; and it is further

**ORDERED**, that Respondent shall cause to be remitted a payment of **FIVE HUNDRED DOLLARS (\$500.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days mailing for service pursuant to D.C. Code § 6-2715).

/s/      **5-19-00**

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John P. Dean  
Administrative Judge